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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,753	09/20/2005	Peter Nesz	P17299-US1	6062
27045	7590	09/10/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			TAHA, SHAQ	
			ART UNIT	PAPER NUMBER
			2446	
			NOTIFICATION DATE	DELIVERY MODE
			09/10/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/531,753	<b>Applicant(s)</b> NESZ ET AL.	
	<b>Examiner</b> SHAQ TAHA	<b>Art Unit</b> 2446	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

In view of the appeal brief filed on 06/14/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 14, 16 - 19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim et al. (US 5,884,024)

Regarding claims 13 and 18, Lim et al. teaches for preventing illegitimate use of an Internet Protocol (IP) address by a subscriber device in an IP network, the network including a switch node, **[Fig. 1, Ref # 106]**,

at least one DHCP server, **[Fig. 1, Ref # 110]**,

said subscriber in communication with the switch node, **[Fig. 1, Ref # 102]**,

the method including the steps of: creating a list of trusted ones of the DHCP servers in said switch node, **[the secure DHCP relay agent will be included in the router, wherein the switch node includes DHCP relay agent forwards DHCP messages between the client systems and the DHCP servers, (Lim et al., Col. 2, lines 52 – 55)]**,

transmitting by the subscriber a DHCP request message for an IP address, **[In networks that use the DHCP protocol, client systems request IP addresses from DHCP server, (Lim et al., Col. 1, lines 65 – 67)]**,

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receiving a reply message by said switch node which carries an assigned subscriber IP address, **[The DHCP server allocates an IP address for use by the requesting client system and sends the client a message telling the client system which IP address to use, (Lim et al., Col. 1, lines 65 – 67)],**

analyzing the reply message by the switch node to be a DHCP message and having a source address from one of the trusted DHCP servers, **[the secure IP relay agent "learns" the IP addresses that are assigned to each client system 102, wherein the relay agent that is included on the switch node analyzes the DHCP messages sent from client to DHCP server and vise-versa, (Lim et al., Col. 5, lines 50 – 55)],**

updating a filter dynamically in the switch node, the filter storing an identification of the subscriber and the assigned subscriber IP address, **[In step 734, the DHCP server system 110 updates the lease database 316 to indicate that a new IP address lease has been granted to the client system 102, the trusted identifier database 318 is also updated, wherein the subscriber identification relates the trusted identifier, (Lim et al., Col. 9. lines 7 – 10)],**

transmitting a frame from the subscriber device using a source IP address, **[When an IP packet is received from a client system 102, wherein a client sends a frame using a source IP address, (Lim et al., Col. 5, line 55)],**

comparing in the filter said source IP address with the stored subscriber IP address, **[the source IP address of the IP packet is compared to the IP addresses learned by the secure IP relay agent, wherein the IP address learned by the**

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**secure relay agent is the subscribers IP address stored in the database, (Lim et al., Col. 5, lines 55 – 56)],**

discarding said frame when said source IP address differs from the stored subscriber IP address, **[if the source address of the IP packet does not match the learned IP address, the IP packet is discarded, (Lim et al., Col. 5, lines 56 – 58)].**

Regarding claims 14 and 19, the method in an IP network according to claim 13, further comprising the step of storing in the filter a subscriber MAC address, a subscriber physical port number, and a lease time interval for the assigned subscriber IP address, **[the trusted identifier database 318 is also updated, wherein the subscriber identification relates the trusted identifier, (Lim et al., Col. 9. lines 7 – 10)].**

Regarding claims 16 and 21, the method in an IP network according to claim 14, the method including deleting the subscriber identification and the corresponding assigned subscriber IP address from the filter when the lease time interval is out, **[In step 734, the DHCP server system 110 updates the lease database 316 to indicate that a new IP address lease has been granted to the client system 102, the trusted identifier database 318 is also updated, wherein once the lease time is out as shown in Fig. 7, Ref # 720 the old IP address is deleted and a new IP address is assigned and the filter is updated, (Lim et al., Col. 9. lines 7 – 10)].**

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Regarding claims 17 and 22, Lim et al. teaches that the method further comprising the steps of:

counting a number of attempts (n) from the subscriber to use an illegitimate IP address, **[Fig. 7, Ref # 728]**,

comparing the number (n) of the attempts with a threshold number (N), **[Fig. 7, Ref # 730]**,

sending a warning signal when the number of attempts exceeds a threshold criteria **,[The count generated in step 728 is compared, in step 730, to a preset limit. If the count exceeds the preset limit, execution continues at step 732 where a DHCPNAK message is sent by the DHCP server system 110 to the client 102, (Lim et al., Col. 8, lines 60 – 65)]**.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (US 5,884,024), in view of Maufer et al. (US 2003/0233576)

Regarding claims 15 and 20, Lim et al. teaches that the DHCP server allocates an IP address for use by the requesting client system and sends the client a message telling the client system which IP address to use, **(Lim et al., Col. 1, lines 65 – 67)**,

Lim et al. fails to explicitly teach the subscriber IP address is statically assigned and handled by the DHCP servers,

Maufer et al. teaches that a client computer on a LAN may have a local IP address that has been assigned statically, **(Maufer et al., Paragraph 4)**, in order to Set to an IP address which is unchanged for months or years at a time,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lim et al. by including that the subscriber IP address is statically assigned and handled by the DHCP servers, **(Maufer et al., Paragraph 4)**, in order to Set to an IP address which is unchanged for months or years at a time.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2446

/Joseph E. Avellino/

Supervisory Patent Examiner, Art Unit 2458